

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on April 2, 2007 at 8:05 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Jim Shockley (R)
Sen. David E. Wanzonried (D)

Members Excused:

Sen. Gary L. Perry (R)
Sen. Carol Williams (D)

Members Absent: None.

Staff Present: Carol Andersen, Committee Secretary
Valencia Lane, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 272, 3/30/2007; HB 329,
3/30/2007; HB 630, 3/30/2007
Executive Action: HB 630; HB 287; HB 384; HB 319;
HB 643; HB 464; HB 299; HB 781;
HB 636; HB 742; HB 329; HB 272;
HB 641

HEARING ON HB 272

Opening Statement by Sponsor:

00:01:10 REP. LLEW JONES (R), HD 27, opened the hearing on HB 272, Require photograph of sexual and violent offenders throughout registration.

EXHIBIT(jus70a01)

Proponents:

00:08:19 Ali Bovingdon, Attorney General's Office

00:09:51 Jim Kembel, Montana Association of Chiefs of Police, and Police Protective Association

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:10:23 Sen. Laslovich to Rep. Jones

00:11:24 Sen. Laslovich to Ali Bovingdon

00:13:32 Sen. Curtiss to Rep. Jones

00:14:45 Sen. McGee to Rep. Jones

00:15:53 Sen. Juneau to Ali Bovingdon

Closing by Sponsor:

00:19:47 Rep. Jones

HEARING ON HB 329

Opening Statement by Sponsor:

00:22:16 REP. JONATHAN WINDY BOY (D), HD 32, opened the hearing on HB 329, Increase penalties for partner or family member assault.

EXHIBIT(jus70a02)

Proponents:

00:24:01 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

00:25:42 Ali Bovingdon, Attorney General's Office

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:27:23 Sen. Shockley to Ali Bovingdon

00:27:42 Sen. Juneau to Ali Bovingdon

00:29:29 Sen. McGee to Ali Bovingdon

00:35:42 Sen. O'Neil to Ali Bovingdon

00:36:20 Sen. Shockley to Ali Bovingdon

00:37:12 Sen. Juneau to Ali Bovingdon

00:37:59 Sen. Laslovich to Ali Bovingdon

Closing by Sponsor:

00:38:26 Rep. Windy Boy

HEARING ON HB 630

Opening Statement by Sponsor:

00:42:32 REP. DAVE GALLIK (D), HD 79, opened the hearing on HB 630, Restrict internet phishing.

Proponents:

00:47:19 Claudia Clifford, AARP of Montana

EXHIBIT (jus70a03)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:50:00 Sen. Moss to Rep. Gallik

00:51:35 Sen. Juneau to Claudia Clifford

00:53:59 Sen. McGee to Rep. Gallik

Closing by Sponsor:

00:54:16 Rep. Gallik

00:56:29 Break

01:11:23 Resume

EXECUTIVE ACTION ON HB 630

01:11:45 **Motion:** SEN. MOSS moved that HB 630 BE CONCURRED IN.

Discussion:

01:11:59 Sen. O'Neil

01:12:39 Sen. Moss

01:15:25 **Motion/Vote:** SEN. CURTISS CALLED THE QUESTION ON HB 630. Motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. WANZENRIED, SEN. PERRY, SEN. PEASE, and SEN. JUNEAU voted aye by proxy. SEN. CURTISS WILL CARRY HB 630.

EXECUTIVE ACTION ON HB 287

01:17:41 **Motion:** SEN. MOSS moved that HB 287 BE CONCURRED IN.

Discussion:

01:17:58 Sen. Jent

01:20:07 Sen. O'Neil

01:20:34 **Motion:** SEN. LASLOVICH moved that CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

01:22:34 Sen. O'Neil

01:22:45 Sen. McGee

01:23:04 Sen. Laslovich

01:23:42 Sen. O'Neil

01:24:57 Sen. Moss

01:25:18 **Motion/Vote:** Motion carried 11-1 by voice vote with SEN. O'NEIL voting no. SEN. WILLIAMS, SEN. PEASE, SEN. WANZENRIED, SEN. PERRY, and SEN. SHOCKLEY voted aye by proxy.

01:26:38 **Motion:** SEN. MOSS moved that HB 287 BE CONCURRED IN AS AMENDED.

01:26:48 **Motion/Vote:** SEN. MCGEE CALLED THE QUESTION ON HB 287. Motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. PEASE, SEN. WANZENRIED, SEN. PERRY, and SEN. SHOCKLEY voted aye by proxy. SEN. LANE LARSON will carry HB 287.

EXECUTIVE ACTION ON HB 384

01:27:41 **Motion:** SEN. MOSS moved that HB 384 BE CONCURRED IN.

Discussion:

01:27:47 Sen. Jent

01:29:46 Sen. O'Neil

01:31:00 Sen. McGee

01:33:24 Sen. Jent

01:35:21 Sen. Curtiss

01:36:51 **Motion/Vote:** SEN. MOSS CALLED THE QUESTION ON HB 384. Motion failed 5-7 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye.

01:37:55 **Motion:** SEN. LASLOVICH moved that HB 384 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON HB 319

01:38:37 **Motion:** SEN. JENT moved that HB 319 BE CONCURRED IN.

Discussion:

01:38:48 Sen. Jent

01:39:55 Sen. O'Neil

01:41:24 Sen. Laslovich

01:41:28 Sen. McGee

01:44:12 Sen. Jent

01:44:20 **Motion/Vote:** SEN. MOSS CALLED THE QUESTION ON HB 319. Motion carried 11-1 by voice vote with SEN. O'NEIL voting no. SEN. PERRY, SEN. WILLIAMS, SEN. WANZENRIED, SEN. JUNEAU, and SEN. PEASE voted aye by proxy. SEN. JENT will carry HB 319.

EXECUTIVE ACTION ON HB 643

01:45:31 **Motion:** SEN. MCGEE moved that HB 643 BE CONCURRED IN.

Discussion:

01:45:42 **Motion:** SEN. MCGEE moved that CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

01:47:50 Sen. O'Neil

01:48:09 Sen. McGee

01:51:44 Sen. Jent

01:52:38 Sen. Laslovich

01:54:58 Sen. Perry

01:55:22 Sen. McGee

01:58:20 Sen. O'Neil

01:58:31 Sen. McGee

02:00:29 Sen. Jent

02:01:35 Sen. Laslovich

02:02:31 **Substitute Motion/Vote:** SEN. O'NEIL made a Substitute Motion that HB 643 BE TABLED. Motion carried 8-4 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. SHOCKLEY, and SEN. PERRY voting no.

EXECUTIVE ACTION ON HB 464

02:04:59 **Motion:** SEN. MOSS moved that HB 464 BE CONCURRED IN AS AMENDED.

Discussion:

02:05:57 Sen. Shockley

02:06:21 **Vote:** Motion carried 8-4 by roll call vote with SEN. CURTISS, SEN. MCGEE, SEN. PEASE, and SEN. PERRY voting no. SEN. JENT will carry HB 464.

EXECUTIVE ACTION ON HB 299

02:08:18 **Motion:** SEN. MOSS moved that HB 299 BE CONCURRED IN.

Discussion:

[**EXHIBIT\(jus70a04\)**](#)

[**EXHIBIT\(jus70a05\)**](#)

02:10:39 **Motion:** SEN. JENT moved that HB029901.AVL BE ADOPTED.

Discussion:

02:11:58 Sen. Perry

02:12:09 Sen. O'Neil

02:13:49 **Motion/Vote:** SEN. MOSS CALLED THE QUESTION ON AMENDMENT HB029901.AVL. Motion carried unanimously by voice vote. SEN. WILLIAMS and SEN. WANZENRIED voted aye by proxy.

02:14:23 **Motion:** SEN. MOSS moved that HB 299 BE CONCURRED IN AS AMENDED.

Discussion:

02:14:32 SEN. JENT withdrew amendment HB029902.AVL

02:15:25 Sen. McGee

02:15:43 **Vote:** Motion that HB 299 BE CONCURRED IN AS AMENDED carried unanimously by voice vote. SEN. WILLIAMS and SEN. WANZENRIED voted aye by proxy. SEN. PERRY will carry HB 299.

EXECUTIVE ACTION ON HB 781

02:16:52 **Motion:** SEN. MOSS moved that HB 781 BE CONCURRED IN.

Discussion:

02:17:07 **Motion:** SEN. JUNEAU moved that HB078102.AVL BE ADOPTED.

Discussion:

EXHIBIT(jus70a06)

02:19:25 Sen. McGee

02:20:43 Sen. Juneau

02:21:38 Sen. McGee

02:25:24 Sen. Laslovich

02:26:11 Sen. McGee

02:26:47 Sen. Moss

02:27:03 Sen. Curtiss

02:28:07 Sen. Perry

02:29:48 **Motion:** SEN. O'NEIL moved that HB078102.AVL BE
SEGREGATED.

Discussion:

02:29:56 Sen. McGee

02:30:01 Sen. Pease

02:31:45 Jim Kembel, Montana Association of Chiefs of Police

02:32:15 Sen. O'Neil

02:34:03 Sen. Juneau

02:34:08 **Vote:** Motion that PART 2 OF HB078102.AVL BE ADOPTED
carried unanimously by voice vote. SEN. WILLIAMS and
SEN. WANZENRIED voted aye by proxy.

02:34:21 **Motion:** SEN. MOSS moved that HB 781 BE CONCURRED IN AS
AMENDED.

02:24:38 **Motion:** SEN. LASLOVICH moved that PART 1 HB078102.AVL
BE ADOPTED.

Discussion:

02:34:41 Sen. O'Neil

02:34:50 Valencia Lane, LSD

02:35:15 Sen. Shockley

02:35:57 Sen. Curtiss

02:36:23 Sen. McGee

02:37:18 **Vote:** Motion that PART 1 of SB078102.AVL BE ADOPTED
carried 7-5 by roll call vote with SEN. CURTISS, SEN.
JENT, SEN. MCGEE, SEN. PERRY, and SEN. SHOCKLEY voting
no.

02:38:29 **Motion:** SEN. MOSS moved that HB 781 BE CONCURRED IN AS
AMENDED.

Discussion:

02:39:12 Sen. Juneau

02:39:27 Sen. O'Neil

02:39:42 Sen. Laslovich

02:39:51 Sen. O'Neil

02:40:34 Valencia Lane

02:40:01 Sen. Laslovich

02:41:20 Sen. O'Neil

02:41:38 **Motion:** SEN. O'NEIL moved that AMENDMENT HB078101.AVL
BE ADOPTED.

Discussion:

02:42:14 Sen. McGee

02:42:42 Sen. O'Neil

02:42:56 Sen. McGee

02:43:05 Sen. O'Neil

02:44:13 Sen. Curtiss

02:45:01 **Motion/Vote:** SEN. MCGEE CALLED THE QUESTION ON
AMENDMENT HB078101.AVL. Motion failed 1-11 by voice
vote with SEN. O'NEIL voting aye. SEN. WILLIAMS and
SEN. WANZENRIED voted no by proxy.

02:45:07 Sen. Laslovich

02:45:12 Sen. Perry

02:47:45 Sen. Jent

02:50:57 Sen. McGee

02:53:58 Sen. Juneau

02:57:29 **Motion/Vote:** SEN. JUNEAU CALLED THE QUESTION ON HB 781. Motion carried 9-3 by roll call vote with SEN. CURTISS, SEN. MCGEE, and SEN. PERRY voting no. SEN. JUNEAU will carry HB 781.

EXECUTIVE ACTION ON HB 636

02:58:33 **Motion:** SEN. MOSS moved that HB 636 BE CONCURRED IN.

Discussion:

03:00:18 Sen. McGee

03:00:43 Sen. Shockley

03:01:17 Sen. McGee

03:01:57 Sen. Curtiss

03:02:17 **Vote:** Motion carried 10-2 by voice vote with SEN. CURTISS and SEN. JENT voting no. SEN. WILLIAMS and SEN. WANZENRIED voted aye by proxy. SEN. LASLOVICH will carry HB 636.

EXECUTIVE ACTION ON HB 742

03:03:34 **Motion:** SEN. MOSS moved that HB 742 BE CONCURRED IN.

Discussion:

03:04:02 Sen. McGee

03:04:30 Sen. Laslovich

03:04:36 Sen. Shockley

03:05:41 Sen. Laslovich

03:05:48 Sen. Shockley

03:05:56 Valencia Lane, LSD

03:06:16 Sen. Shockley

03:07:43 Sen. Shockley

03:08:12 Sen. Jent

03:10:46 Sen. Shockley

03:12:36 **Motion:** SEN. SHOCKLEY moved CONCEPTUAL AMENDMENT that lines 22-25 on page 3 be reinserted.

Discussion:

03:12:47 Sen. Perry

03:12:59 Valencia Lane, LSD

03:14:36 Sen. Shockley

03:14:58 SEN. SHOCKLEY withdrew his motion.

03:15:08 **Vote:** Motion that HB 742 BE CONCURRED IN carried unanimously by voice vote. SEN. WILLIAMS and SEN. WANZENRIED voted aye by proxy. SEN. PEASE will carry HB 742.

EXECUTIVE ACTION ON HB 329

03:15:58 **Motion:** SEN. SHOCKLEY moved that HB 329 BE CONCURRED IN.

Discussion:

03:16:08 Sen. Shockley

03:17:10 **Substitute Motion/Vote:** SEN. MCGEE made a substitute motion that HB 329 BE TABLED. Substitute motion carried 7-5 by voice vote with SEN. JUNEAU, SEN. MOSS, SEN. PEASE, SEN. WANZENRIED, and SEN. WILLIAMS voting no.

EXECUTIVE ACTION ON HB 272

03:18:31 **Motion:** SEN. MOSS moved that HB 272 BE CONCURRED IN.

Discussion:

03:18:47 Sen. McGee

03:19:33 Sen. Laslovich

03:20:11 Sen. McGee

03:21:05 Valencia Lane, LSD, to Sen. Laslovich

03:21:53 **Motion: SEN. LASLOVICH moved that CONCEPTUAL AMENDMENT BE ADOPTED.**

Discussion:

03:21:54 Sen. McGee

03:20:08 Sen. Laslovich

03:20:57 Valencia Lane

03:22:02 Sen. Laslovich

03:22:19 Valencia Lane

03:22:48 Sen. Laslovich

03:23:46 Sen. McGee

03:24:06 **Vote: Motion that CONCEPTUAL AMENDMENT be adopted carried unanimously by voice vote.**

03:24:28 **Motion: SEN. MOSS moved that HB 272 BE CONCURRED IN AS AMENDED.**

Discussion:

03:25:28 Sen. Laslovich

03:25:50 Sen. Shockley

03:26:03 Sen. McGee

03:26:25 Sen. Shockley

03:26:41 Sen. Laslovich

03:27:20 Sen. Shockley

03:27:42 **Motion: SEN. LASLOVICH moved that CONCEPTUAL AMENDMENT to remove wording "violent offenders" and to make change in title BE ADOPTED.**

Discussion:

03:28:07 Sen. Shockley

03:28:27 Sen. Juneau

03:28:35 Sen. McGee

03:29:02 Sen. Laslovich

03:29:29 Sen. O'Neil

03:29:46 **Vote:** Motion that CONCEPTUAL AMENDMENT BE ADOPTED carried unanimously by voice vote. SEN. WILLIAMS, SEN. WANZENRIED, and SEN. PERRY voted aye by proxy.

03:30:08 **Motion/Vote:** SEN. MOSS moved that HB 272 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. SEN. WILLIAMS, SEN. WANZENRIED, and SEN. PERRY voted aye by proxy. SEN. O'NEIL will carry HB 272.

EXECUTIVE ACTION ON HB 641

03:31:23 **Motion:** SEN. SHOCKLEY moved that HB 641 BE CONCURRED IN.

Discussion:

03:31:48 Sen. McGee

03:33:34 Sen. Laslovich

03:35:31 Sen. McGee

03:36:07 Sen. Laslovich

03:37:33 Sen. Shockley

03:37:57 Sen. Curtiss

03:40:20 **Motion/Vote:** SEN. MOSS CALLED THE QUESTION ON HB 641. Motion carried 9-3 by voice vote with SEN. CURTISS, SEN. JUNEAU, and SEN. MCGEE voting no. SEN. WILLIAMS and SEN. WANZENRIED voted aye by proxy. SEN. LASLOVICH will carry HB 641.

ADJOURNMENT

Adjournment: 11:55 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus70aad.pdf](#))